IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION No. 7:23-CV-1172-D

MELODY RODGERS,)	
Plaintiff,)	
v.)	ORDER
DUPLIN COUNTY MUNICIPALITY,)	
Defendant.)	

On June 15, 2023, Melody Rodgers ("Rodgers" or "plaintiff") filed this action <u>pro se</u> against Duplin County Municipality ("defendant") and alleged (1) an inverse condemnation claim under North Carolina law; (2) a takings claim under 42 U.S.C. § 1983 and the Fifth and Fourteenth Amendments; and (3) a substantive due process claim under 42 U.S.C. § 1983 and the Fourteenth Amendment. <u>See</u> Compl. [D.E. 1-2]. On July 18, 2023, defendant removed the action to this court. <u>See</u> [D.E. 1].

On July 20, 2023, defendant moved to dismiss the complaint and argued that Rodgers had named a non-existent entity (i.e., "Duplin County Municipality") as a defendant and failed to state a claim upon which relief can be granted. See [D.E. 5]; [D.E. 6]. On August 14, 2023, Rodgers responded in opposition and also requested leave to file an amended complaint. See [D.E. 8]. On August 22, 2023, defendant replied. See [D.E. 11].

The court GRANTS plaintiff's request to file an amended complaint to name the proper defendant and to attempt to cure the deficiencies in her complaint. Plaintiff's amended complaint is due no later than September 22, 2023. The court DISMISSES as moot defendant's motion to dismiss [D.E. 5].

SO ORDERED. This 15 day of August, 2023.

United States District Judge